

**REGULAR MEETING
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

7:00 P.M.

CITY COUNCIL CHAMBERS

DECEMBER 17, 2002

AGENDA

I. APPROVAL OF MINUTES

Meeting of November 19, 2002.

II. OLD BUSINESS

A. 917 Greenland Road – Site changes from Site Review Approval.

B. Re-hearing per Order of the Rockingham County Superior Court in the matter of Michael Boccia, et al. v. City of Portsmouth and Raymond A. Ramsey, Intervenor 01-E-552 dated 26 September 02 for the petition of **Raymond A. Ramsey, owner**, for property located off **Kearsarge Way** wherein the following are requested for the construction of a 100 unit four story hotel: 1) a Variance from Article III, Section 10-304(A) Table 10 to allow the 63' x 231' four story building with a: a) 51' front yard where 70' is the minimum required, b) a 16' left side yard where 30' is the minimum required; and 3) a 30' rear yard where 50' is the minimum required, 2) a Variance from Article III, Section 10-304(c)(2) to allow the building to be located 83' from property zoned residentially where 100' is the minimum required, 3) a Variance from Article XII, Section 10-1201(A)(3)(e)(1) to allow off-street parking to be located 15' from property zoned residentially where 100' is the minimum required; and, 4) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow off-street parking, maneuvering space and traffic aisles 15' from the front property line where said use is required to be at least 40' from the front property line. Said property is shown on Assessor Plan 218 as 22 and lies within the General Business district. Case # 11-2

III. PUBLIC HEARINGS

1) Petition of **Jeffrey M. Ouellette, owner**, for property located at **550 Cutts Avenue** wherein a Variance from Article III, Section 10-302(A) is requested to allow a 24 foot x 24 foot one story garage creating 23.3% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Plan 210 as Lot 23 and lies within the Single Residence B district. Case # 12-1

2) Petition of **Shannon Realty Trust, owner**, for property located at **85 Heritage Avenue** wherein a Special Exception is allowed in from Article II, Section 10-209 Table 5 (13) to allow the sale of used cars. Said property is shown on Assessor Plan 285 as Lot 5 and lies within the Industrial district. Case # 12-2

3) Petition of **Tyroch Realty Management Incorporated, owner**, for property located at **480 State Street** to build a four unit residential structure wherein the following are requested: 1) a Variance from Article III, Section 10-303(A), Table 9, is requested to allow four (4) residential dwelling units on a lot containing 7,477 square feet, where 7,500 square feet of lot area per dwelling unit is required, 2) a Variance from Article III Section 10-303 (A), Table 9, to allow a 3.3 foot front yard setback, where 5 feet is required, 3) a Variance from Article III Section 10-303 (A), Table 9, to allow a 4 foot left side yard and 8.2 foot right side yard setback, where 10 foot side yard is required, 4) a Variance from Article III, Section 10-303 (A), Table 9, to allow a 5.7 foot rear yard setback where 15 feet is required, 5) a Variance from Article XII, Section 10-1201 (A)(2) to allow a 22 foot maneuvering isle where 24 feet is required, 6) a Variance from Article XII, Section 10-1201 (A)(3)(c)(2) to allow a 1 foot front yard buffer with no landscaping where 10 feet with landscaping is the minimum required, and, 7) a Variance from Article XII, Section 10-1204 Table 15 to allow 5 parking spaces, where 6 parking spaces are required. Said property is shown on Assessor Plan 127 as Lot 14 and lies within the Mixed Residential Office district. Case # 12-3

4) Petition of **Kenneth Smith and Deborah Bouchard-Smith, owners**, for property located at **298 Myrtle Avenue** wherein the following correction is requested from a previous approval: a Variance from Article III, Section 10-302(A) Table 8, is requested to allow a 13.6 foot front yard setback where 30 feet is required. Said property is shown on Assessor Plan 220 as Lot 101 and lies within the Single Residence B district. Case # 12-4

5) Petition of **James G. Bolduc and Joanne M. Stella, owners**, for property located at **25 Ridges Court** wherein the following are requested to construct a deck: 1) A Variance from Article III, Section 10-302 (A) is requested to allow a structure coverage of 24.6% on a lot where 20% is the maximum allowed, 2) A Variance from Article III, Section 10-302 (A) is requested to allow a left side yard setback of 8 feet and right side yard setback of 9 feet where 10 feet is the minimum side yard requirement. Said property is shown on Assessor Plan 207 as Lot 57 and lies within the Single Residence B district. Case # 12-5

6) Petition of **Guthrie Swartz, owner**, for property located at **33 Johnson Court** wherein a Variance from Article III , Section 10-302(A) Table 8 is requested for a proposed addition to a residential home to allow a rear yard setback of 23 feet where 25 feet is required. Said property is shown on Assessor Plan 110 as Lot 12 and lies within the General Residence B district. Case # 12-6

IV. NEW BUSINESS

Election of Officers for 2003.

V. ADJOURNMENT

Members of the public and abutters should be aware that after the board renders its decision tonight, that a later request could be made to reconsider the decision and/or appeal the decision to the Rockingham County Superior Court. Please note that an abutter/aggrieved party may file a Motion to Reconsider if they are dissatisfied with the Board's decision. If you have any interest in finding out whether a Motion to Reconsider has been filed, you should contact the Planning Department thirty (30) days after the BOA decision is rendered. Thereafter, depending on the outcome of the reconsideration request, you are also invited to make inquiries at the Legal Department to determine whether an Appeal to the Superior Court has been filed.